

REMARKS

I. General

Claims 1-27 are pending in the application. The current Office Action, mailed January 12, 2006, rejects claims 1-3 and 5-27, and objects to claim 4. Claims 1-3 and 5-27 stand rejected under 35 U.S.C. § 103. Claim 4 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowability for claim 4. Applicant hereby traverses the outstanding rejections and objection and requests reconsideration and withdrawal thereof in light of the remarks contained herein.

II. Rejections under 35 U.S.C. § 103

- Claims 1-3, 12-13, 18, and 21-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0001268A1 by Menon et al. (“Menon”) in view of U.S. Patent No. 5,907,800 to Johnson et al. (“Johnson”);
- Claims 5-7, 9, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of Johnson and further in view of U.S. Patent No. 5,489,914 to Breed et al. (“Breed”);
- Claims 8 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of Johnson and further in view of U.S. Patent No. 4,823,280 to Mailandt et al. (“Mailandt”);
- Claims 10-11 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of Johnson and further in view of U.S. Patent No. 6,385,609 to Barshefsky et al. (“Barshefsky”);
- Claims 14-15 and 23-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of Johnson and further in view of U.S. Patent Application Publication No. 2002/0147936A1 by Wiczer (“Wiczer”); and
- Claims 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of Johnson and further in view of U.S. Patent Application Publication No.

2005/0233759 by Anvekar et al. (“Anvekar”). Applicant traverses these rejections as provided below.

In order to establish obviousness under 35 U.S.C. § 103(a), three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Third, the applied art must teach or suggest all the claim limitations. M.P.E.P. § 2143.03. Applicant asserts that the rejections do not satisfy these criteria, as discussed below.

A. Rejections over Menon and Johnson

Independent Claim 1

Independent claim 1 recites, in part, “formatting said measurement data … into a uniform format.” Menon does not teach or suggest at least this aspect of claim 1. The Office Action alleges that Johnson teaches this limitation. However, Johnson also fails to teach or suggest the recited limitation.

The Office Action cites column 7, line 1 through column 8, line 24 of Johnson, and alleges that Johnson teaches “converting from CDR, CIBER and other formats to CCF format.” Applicant respectfully disagrees that Johnson contains the teaching alleged in the Office Action. Applicant notes that Johnson states “switch interface 111 translates a CDR record into … the CCF format,” and also that “[t]he input may be stored in a format referred to as the CIBER format, or may be stored in other formats.” Johnson, col. 7, lines 32-33 and col. 8, lines 19-21. That is, Johnson teaches converting only CDR to CCF format, but not converting the CIBER format or the other formats. Therefore, Johnson does not teach “converting from CDR, CIBER and other formats to CCF format” as alleged by the Office Action.

Additionally, Johnson does not teach or suggest the use of a uniform format, as required by claim 1, because Johnson teaches at least two separate final output formats, CCF and CIBER, and further teaches that “other formats” are also acceptable. Therefore, claim 1 sets forth features and limitations not disclosed by the proffered combination.

Applicant respectfully asserts that the Office Action provides insufficient motivation to combine Menon with Johnson. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. § 2143.01, citing *In re Mills*, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). However, neither Menon nor Johnson provides any suggestion for the combination.

Menon and Johnson are directed to disparate, non-analogous arts. Menon teaches a wireless access support system with remote monitoring of basestation equipment status. Johnson teaches a system to manage marketing-type information to attempt to predict human behavior. Specifically, Johnson teaches a system to “determine if the subscriber is likely to terminate his subscription.” Johnson, abstract, lines 6-7. The Office Action has not provided sufficient reasoning why it would be obvious to combine a marketing and customer satisfaction system with a protocol for remote reporting of basestation equipment status. The statement of motivation is nothing more than a statement that the references could be combined to provide some unsuggested and unknown improvement. Thus, the motivation provided by the Office Action, to combine Menon with Johnson, is improper, and the combination proffered by the Office Action is improper.

Applicant asserts that the rejection of claim 1 is improper for, at least, the reasons set forth above. Accordingly, Applicant requests the Examiner withdraw the U.S.C. § 103(a) rejection of claim 1.

Independent Claim 12

Independent claim 12 recites, in part, “format the acquired measurement data into a uniform format.” As shown above for claim 1, the proffered combination of Menon and Johnson does not teach or suggest formatting measurement data into a uniform format, and further, that insufficient motivation exists to combine Menon and Johnson in the manner applied. Applicant asserts that the rejection of claim 12 is improper for, at least, the reasons set forth above. Accordingly, Applicant requests the Examiner withdraw the U.S.C. § 103(a) rejection of claim 12.

Independent Claim 21

Independent claim 21 recites, in part, “format the acquired measurement data into a uniform format.” As shown above for claim 1, the proffered combination of Menon and Johnson does not teach or suggest formatting measurement data into a uniform format, and further, that insufficient motivation exists to combine Menon and Johnson in the manner applied. Applicant asserts that the rejection of claim 21 is improper for, at least, the reasons set forth above. Accordingly, Applicant requests the Examiner withdraw the U.S.C. § 103(a) rejection of claim 21.

Dependent Claims

Claims 2-3, 13, 18 and 22 depend from a respective one of base claims 1, 12, and 21, and thus inherit all limitations of their respective base claims. As shown above, the proffered combination of Menon and Johnson does not teach or suggest all the limitations of claims 1, 12 or 21, and insufficient motivation exists to combine Menon and Johnson in the manner applied. Applicant asserts that the rejections of these dependent claims is improper for, at least, the reasons set forth above with respect to the base claims 1, 12 and 21. Accordingly, Applicant requests that the Examiner withdraw the U.S.C. § 103(a) rejections of claims 2-3, 13, 18 and 22.

B. Rejections over Menon, Johnson and Breed

Claims 5-7, 9 and 19 depend from a respective one of base claims 1 and 12, and thus inherit all limitations of their respective base claims. As shown above, the combination of Menon and Johnson does not teach or suggest all the limitations of claims 1 or 12, and that insufficient motivation exists to combine Menon and Johnson in the manner applied. Breed is not relied upon to supply the missing limitation. Applicant asserts that the rejections of these dependent claims is improper for, at least, the reasons set forth above with respect to the base claims 1 and 12. Accordingly, Applicant requests that the Examiner withdraw the U.S.C. § 103(a) rejections of claims 5-7, 9 and 19.

C. Rejections over Menon, Johnson and Mailandt

Claims 8 and 20 depend from a respective one of base claims 1 and 12, and thus inherit all limitations of their respective base claims. As shown above, the combination of Menon and Johnson does not teach or suggest all the limitations of claims 1 or 12, and that insufficient motivation exists to combine Menon and Johnson in the manner applied. Mailandt is not relied upon to supply the missing limitation. Applicant asserts that the rejections of these dependent claims is improper for, at least, the reasons set forth above with respect to the base claims 1 and 12. Accordingly, Applicant requests that the Examiner withdraw the U.S.C. § 103(a) rejections of claims 8 and 20.

D. Rejections over Menon, Johnson and Barshefsky

Claims 10-11 and 16-17 depend from a respective one of base claims 1 and 12, and thus inherit all limitations of their respective base claims. As shown above, the combination of Menon and Johnson does not teach or suggest all the limitations of claims 1 or 12, and that insufficient motivation exists to combine Menon and Johnson in the manner applied. Barshefsky is not relied upon to supply the missing limitation. Applicant asserts that the rejections of these dependent claims is improper for, at least, the reasons set forth above with respect to the base claims 1 and 12. Accordingly, Applicant requests that the Examiner withdraw the U.S.C. § 103(a) rejections of claims 10-11 and 16-17.

E. Rejections over Menon, Johnson and Wiczer

Claims 14-15 and 23-24 depend from a respective one of base claims 12 and 21, and thus inherit all limitations of their respective base claims. As shown above, the combination of Menon and Johnson does not teach or suggest all the limitations of claims 12 or 21, and that insufficient motivation exists to combine Menon and Johnson in the manner applied. Wiczer is not relied upon to supply the missing limitation. Applicant asserts that the rejections of these dependent claims is improper for, at least, the reasons set forth above with respect to the base claims 12 and 21. Accordingly, Applicant requests that the Examiner withdraw the U.S.C. § 103(a) rejections of claims 14-15 and 23-24.

F. Rejections over Menon, Johnson and Anvekar

Claims 25-27 depend from one of base claims 1, 12 and 21, and thus inherit all limitations of their respective base claims. As shown above, the combination of Menon and Johnson does not teach or suggest all the limitations of claims 1, 12 or 21, and that insufficient motivation exists to combine Menon and Johnson in the manner applied. Anvekar is not relied upon to supply the missing limitation.

Further, Applicant asserts that Anvekar is not a proper § 103(a). Anvekar has a filing date of June 13, 2005, whereas the current application was filed on February 28, 2002. Therefore, Applicant asserts that the rejections of these dependent claims is improper for, at least, the reasons set forth above with respect to the base claims 1, 12 and 21, and because Anvekar cannot be used as a prior art reference. Accordingly, Applicant requests that the Examiner withdraw the U.S.C. § 103(a) rejections of claims 25-27.

III. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078, under Order No. 10020057-1 from which the undersigned is authorized to draw.

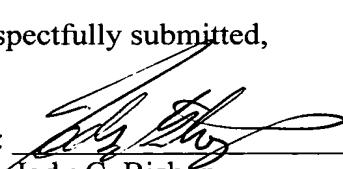
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV568259596US in an envelope addressed to: M/S Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: 04/04/2006

Typed Name: Phyllis Ewing

Signature: Phyllis Ewing

Respectfully submitted,

By: 

Jody C. Bishop

Attorney/Agent for Applicant(s)

Reg. No. 44,034

Date: 04/04/2006

Telephone No. (214) 855-8007